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NORRIS, MCCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE
18TH FLOOR
NEW YORK, NY 10022

In re Application of BROSIG et al	:	
U.S. Application No.: 10/524,351	:	
PCT Application No.: PCT/EP2003/009357	:	
Int. Filing Date: 22 August 2003	:	
Priority Date Claimed: 04 September 2002	:	DECISION
Attorney Docket No.: 101215-178	:	
For: METHOD AND DEVICE FOR	:	
RECOGNIZING THE LEVEL OF	:	
AWARENESS OF A VEHICLE DRIVER	:	

This is in response to applicant's "Petition Under 37 CFR § 1.181(a) to Withdraw Holding of Abandonment" filed 03 October 2006.

BACKGROUND

On 22 August 2003, applicant filed international application PCT/EP2003/009357, which claimed priority of an earlier Germany application filed 04 September 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 18 March 2004. The thirty-month period for paying the basic national fee in the United States expired on 04 March 2005.

On 11 February 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 27 July 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 09 August 2005, applicant filed an executed declaration.

On 08 August 2006, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely respond to the Notification of Missing Requirements.

On 03 October 2006, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

The petition states that the cover page for the declaration filed 09 August 2005 listed an incorrect application number. The originally filed declaration has been located and will be matched with the present application file.


CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 08 August 2006 is hereby VACATED.

The application has an International Filing Date under 35 U.S.C. 363 of 22 August 2003, and a date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) of 09 August 2005.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.



Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459